SECTIONS.

33. [*Repealed.*]
34. Power to extend Act;
to alter scale, and dispose of balance, of fees.
35. Convictions under Act final.
36. Construction.
37. Extent.
38. [*Repealed.*]

BOMBAY ACT No. VI OF 1863[a].

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 11th June, 1863.*)

An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.

Preamble.

WHEREAS it is expedient that arrangements be made for the better regulation and control of public conveyances plying for hire for the conveyance of persons or goods within the town, suburbs and harbour of Bombay, and for the conduct of the licensees, drivers or other attendants of such public conveyances; It is hereby enacted as follows:—

Definition of public conveyance.

1. Every carriage with two or more wheels which shall be used for the purpose of plying for hire within the jurisdiction of the Commissioner of Police of Bombay, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, and every pálkí which shall be let for hire, shall be deemed and taken to be a public land-conveyance;

and every boat or other vessel carrying passengers for hire within the said jurisdiction, whatever be the means by which the same may be propelled, shall be deemed and taken to be a public water-conveyance within the meaning of this Act.

No person to use or let for hire conveyance not licensed,

2. No person shall keep or let for hire any public conveyance within the said jurisdiction, without having a license in force for the same, granted, in the case of a land-conveyance by the Commissioner of Police, and in the case of a water-conveyance by the Master Attendant,

or not numbered,

nor, if such conveyance be ordinarily let for hire for periods of less than one whole day, unless there be painted or branded on such parts of the said conveyance as the Commissioner of Police or Master Attendant may respectively direct a number corresponding with that of the license granted for such

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[a] Bom. Act VI of 1863 has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh and in Aden—see Appendix to Vol. I of this Code, pp. xxxiii and lviii, respectively.

conveyance, together in the case of a land-conveyance licensed to carry passengers, with the number of passengers it is licensed to carry, as follows :—

"Licensed to carry ( ) passengers only;"

nor unless a board or plate inscribed with such list of rates of fares, and affixed in such manner, as the Commissioner of Police or Master Attendant may respectively direct, be attached to such conveyance; or not having list of fares.

and any person keeping or letting for hire any public conveyance without such license as aforesaid, or without such number or inscription being legibly painted or branded thereon, or without such list of rates of fare being attached thereto, shall be liable, on conviction before a Magistrate of Police, to a penalty not exceeding rupees one hundred, or to simple imprisonment for a period not exceeding three months. Penalty for contravention.

3. No attendant of any public land-conveyance shall ply for hire or demand or receive any fare for the conveyance of any passenger unless he shall have received a license from the Commissioner of Police, and a metal badge bearing the number of such license, which badge he shall be bound to wear on a conspicuous part of his dress at all times when he may be so plying for hire or pursuing his occupation as such attendant, No attendant of public land-conveyance to ply without license and badge.

and if any attendant who shall not have received a license and badge shall demand or receive any money from any passenger, Penalty for contravention.

or if any licensed attendant shall fail to wear the badge aforesaid as in this section directed,

or if he shall permit any other person to wear his badge,

he shall for each such offence be punishable, on conviction before a Police Magistrate, with a fine not exceeding rupees twenty, in default of payment of such fine shall be liable to simple imprisonment for a period not exceeding one month:

Provided that every person other than the licensed attendant who wears the badge is presumed to wear it with the licensed attendant's permission. Proviso.

4. Every license shall contain and specify— Contents of license.

the full name and address of the licensee,

the number and class of conveyance for which the license has been issued,

the number of horses or other animals by which the conveyance shall be drawn, or the number of persons composing the crew,

the number of passengers such conveyance is licensed to carry, and whether it be licensed to ply for hire on fixed stands only or to take up passengers on any and what roads or places, and between any and what points,

the date on which such license was granted, and that on which it will by efflux of time lapse and expire.

Notice to be given of change of residence.

5. As often as any licensee shall change his residence, he shall give notice thereof in writing signed by himself to the Commissioner of Police, or the Master Attendant, as the case may be, and, in failure to give that notice for one week after his change of residence, he shall be liable to a penalty of rupees twenty.

Commissioner of Police and Master Attendant may grant licenses for public conveyances.

6. Licenses issued under section 2 [a] shall usually be granted on the first January in each year, but the Commissioner of Police or Master Attendant may, at any other time, grant licenses, and shall always at the time of granting every license, and at all other times when necessary, cause to be painted or branded upon a conspicuous part of every such public conveyance such number and inscription as are required by section 2;

Provided that the said Commissioner of Police or Master Attendant may, in his discretion, refuse to grant any such license for any conveyance which he may consider to be insufficiently found or otherwise unfit for the conveyance of the public, or to any applicant whom he may consider, from youth, bad character or for other reason, unfit to be entrusted with the same.

Fees for licenses.

7. For every such license there shall be levied a fee in accordance with the class of license granted, as shown in the following scale:—

omnibuses and other vehicles on four wheels to be drawn by two or more horses, and licensed to carry more than six persons including the driver, rupees two:

omnibuses, shigrams and other vehicles on four wheels, licensed to carry not more than six persons including the driver, whether drawn by one or more horses, one rupee:

buggies, cabs or similar vehicles, on two wheels, licensed to carry three persons only, including the driver, eight annas;

bullock-carts on two or more wheels, drawn by two bullocks and licensed to carry five persons, including the driver, four annas:

bullock-carts on two wheels, drawn by two bullocks and licensed to carry three persons, including the driver, four annas:

pálkí, four annas per year:

bandar-boats and ferry-boats, one rupee:

dingís, eight annas:

tonís or canoes, two annas:

labour-carts to carry goods only, four annas.

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[a] Words repealed by Bom. Act III of 1886 are omitted.

The balance of such fees, after all necessary contingent expenses shall have been defrayed, shall, from time to time, be paid into the Bank of Bombay[a] by the Master Attendant to the credit of the port-fund[b]:

Proviso. Provided that nothing in section 2 shall be held to prevent cargo-boats licensed under the Sea Customs Act, 1878[c], from carrying so many passengers for hire as the chief officer of customs may in the license permit.

VIII of 1878.

Licenses to be renewed annually. **8.** The Commissioner of Police and Master Attendant shall, on or as soon as possible after the first day of January in each year, renew the licenses and numbers of the said public conveyances on payment of the regulated fee by the licensee:

Proviso. Provided that nothing herein contained shall prevent the Commissioner of Police or Master Attendant from altering or changing the number of any such conveyance, or from refusing absolutely to renew the license of any conveyance, which he may consider to be insufficiently found, or otherwise unfit for its intended purpose, or the owner of which he may consider unfit to be entrusted with such renewed license.

Power of Commissioner of Police and Master Attendant to suspend or revoke licenses. **9.** In the event of any such licensed public conveyance being at any time insufficiently found or appointed, or

of any driver or attendant of any such public conveyance appearing unfit to be trusted with the charge of the same, or

of such conveyance being used for passengers when licensed only for labour,

the Commissioner of Police or Master Attendant may, in his discretion, suspend or revoke the license, and order the number of such conveyance to be erased;

Penalty for plying after suspension of license. and the owner of any conveyance, the license of which shall have been suspended, or the number of which shall have been ordered to be erased, as aforesaid, who shall again permit the same to ply for hire before he shall have obtained a restoration or renewal of such license from the Commissioner of Police or Master Attendant, and affixed a corresponding number and inscription to such conveyance, shall, on conviction before a Magistrate of Police, be liable to the penalty prescribed by section 2[d] for keeping or letting for hire an unlicensed public conveyance.

Suspended or revoked licenses to be **10.** All licenses which shall have been suspended or revoked by the Commissioner of Police or Master Attendant under the authority of the preceding

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[a] Words repealed by Bom. Act III of 1888 are omitted.
[b] Words repealed by Act XII of 1876 are omitted.
[c] The reference to Act VI of 1863 is altered in accordance with Act VIII of 1878, s. 2. (For Act VIII of 1878 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.)
[d] Words repealed by Bom. Act III of 1886 are omitted.

returned to Commissioner of Police or Master Attendant.

section shall be delivered up to the said Commissioner of Police or Master Attendant by the licensee within twenty-four hours after the suspension or revocation thereof, under penalty, on conviction before a Magistrate of Police, of a fine of rupees twenty, failing payment of which the licensee shall be liable to simple imprisonment for a period not exceeding two months.

Issue of duplicate of license lost, mislaid or defaced.

11. Duplicate licenses may be granted by the Commissioner of Police or Master Attendant on proof of the license granted for any public conveyance having been lost or mislaid, or of the particulars written in such license having been accidentally obliterated or defaced;

Power to renew license or restore inscription. Fee for renewed license.

and the said Commissioner of Police or Master Attendant may also renew or restore the numbers or inscriptions on public conveyances which shall have become obliterated; a fee equal to one-half the fee leviable under section 7 being previously paid for each license or number renewed or restored under this section, or under section 8[a].

Licenses not transferable without sanction endorsed thereon.

12. Licenses issued under this Act may be transferred by or on account of the licensee to any other person, with the sanction of the Commissioner of Police or Master Attendant respectively, such sanction being duly endorsed on the reverse of such license;

Responsibility of transferee of license.

and all responsibilities of the original licensee after such sanction endorsed as aforesaid shall attach to the transferee:

Effect of transfer without sanction.

Provided that any transfer without such sanction endorsed shall forthwith render the license null and void.

Registers to be kept.

13. The Commissioner of Police and Master Attendant shall keep registers containing the full particulars of each public conveyance as entered in the license thereof,

Penalty for misuse of license.

and any person using or authorizing the use of a license, number or inscription, other than for the particular conveyance for which it has been issued, as apparent from the register, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding rupees one hundred, or, in default of payment of such fine, to simple imprisonment for a period not exceeding three months.

Power to make rules.

14. The Commissioner of Police may, subject to the approval of the Governor in Council, make and publish subsidiary rules not inconsistent with the provisions of this Act for promoting the objects of the same and for the better regulation of public land-conveyances,

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[a] Words repealed by Bom. Act III of 1885 are omitted.

and the said Commissioner of Police shall, from time to time, fix the rates for the fare or hire of such public land-conveyances, specifying whether the hire or fare be for the whole conveyance or for one or more passengers, Rates of fares to be fixed.

and shall from time to time appoint stands or places at which stands and places alone such public conveyances may stand to ply for hire; Stands to be appointed.

and the rate so settled, and stands or places so appointed shall, when sanctioned by the Governor of Bombay in Council, be published in the Bombay Government Gazette, and shall thereafter, or until such rates and places shall be again altered by the authorities as aforesaid, be held and taken to be legally fixed and appointed; the Master Attendant having the same power, subject to the same restrictions, over public water-conveyances as the Commissioner of Police has by this section over public land-conveyances. Rates and stands to be published.

15. Any licensee, driver or other attendant of any public conveyance, who shall suffer or permit more passengers to be carried by the same than it is licensed to carry, or shall, in any other way, infringe or violate any of the conditions of his license, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding fifty rupees, or, in default of payment of such fine, to simple imprisonment for a period not exceeding two months. Penalty for carrying passengers in excess or otherwise violating condition of license.

16. If any licensee, driver or other attendant of any public conveyance shall permit or suffer the number or inscription thereof to be in any manner or by any means concealed from public view, or if any such licensee, driver or other attendant as aforesaid shall, in any way, attempt to prevent or obstruct any person taking or noting the number of such public conveyance, he shall, on conviction before a Magistrate of Police, forfeit for every such offence rupees twenty, or, in default of payment of such fine, be liable to simple imprisonment for a period not exceeding two months. Penalty for concealing number or preventing person taking note thereof.

17. If the licensee, driver or other attendant of any public conveyance, the whole of which has been hired or taken by one or more persons, shall permit or suffer any person to ride or be carried in, upon or about, such public conveyance, without the express consent of the person or persons hiring the same, such licensee, driver or other attendant shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceeding rupees twenty, or, in default of payment of such forfeit, be liable to imprisonment as prescribed in the last preceding section. Penalty for permitting person to ride in public conveyance without consent of hirers.

18. Every licensee, driver or other attendant in charge of any public conveyance shall have with him, when plying for hire, a clean and legible list in English and such vernacular language or languages as the Commissioner of Drivers, &c., to carry list of fares, &c.

Police or Master Attendant may order, bearing the name in full of the licensee, and showing the rates and fares fixed and appointed to be taken for the fare or hire of his conveyance, with an abstract of the law[a] relating to public conveyances, and shall, on demand, produce the same for the information of any hirer of, or passenger by, such public conveyance, under penalty, on conviction before a Magistrate of Police, of a fine not exceeding rupees twenty, and, in default of payment of such fine, he shall be liable to simple imprisonment for a period not exceeding two months.

To produce same on demand.

Lists of rates and fares, &c., to be prepared in offices of Commissioner and Master Attendant, and issued to applicants.

19. The above lists, as also lists of the rates and fares fixed and appointed for public conveyances, and of the stands or places at which the same ply for hire, with an abstract of the law relating to such conveyances and to the licensees and attendants thereof, shall be prepared in the offices of the Commissioner of Police and Master Attendant, and shall be issued to all applicants on payment of a fee of four annas for each copy.

Penalty for refusing to give way to private conveyance or obstructing driver of other public conveyance.

20. If any driver or other attendant of any public conveyance shall refuse or neglect to give way, if he conveniently can, to any private conveyance, or shall obstruct or hinder the driver or other attendant of any other public conveyance, in taking up or setting down any person into or from any such other public conveyance, every such driver or other attendant so offending shall, on conviction before a Magistrate of Police, forfeit a sum not exceeding rupees twenty, or, in default of payment of such forfeit, be liable to simple imprisonment for a period not exceeding two months.

Penalty on drivers, &c., for intoxication, &c.

21. Every driver and other attendant of any public conveyance who shall at any time during such employment be intoxicated, or who shall refuse to obey the reasonable orders of the person or persons hiring or using his conveyance, or shall, when plying for hire, keep the inside of his conveyance dirty, shall, on conviction before a Magistrate of Police, be liable to a fine not exceeding rupees twenty, and in default of payment thereof shall be liable to imprisonment as prescribed in the last preceding section.

Penalty for refusing fare, loitering, demanding excess fare, and plying for hire off stands.

22. If the driver or other attendant of any public conveyance plying for hire, not being a labour-cart,

shall demand prepayment of his fare, or

shall refuse to convey any person desirous of hiring his conveyance, or

shall refuse or delay to proceed with reasonable expedition, or

shall exact or demand for the hire thereof more than the regulated sum, or

shall stand to ply for hire at any place or places other than the stands or places appointed for that purpose,

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[a] "Law" was substituted for "laws" by Act XVI of 1895.

he shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceeding rupees twenty, and in default of payment of the same shall be liable to simple imprisonment for a period not exceeding two months.

Arrest in case of hurt or damage, negligently or wilfully occasioned.

23. The driver or other attendant of any public conveyance who shall by negligence or misconduct cause any hurt or damage may be arrested by any person who shall see such offence committed, and be by him made over to a constable or Police-officer for arraignment before a Magistrate of Police,

Compensation in addition to punishment.

and, in addition to such punishment as may thereupon be inflicted under the law in that case made and provided, the offender shall pay such reasonable compensation to the complainant as such Magistrate shall see fit to award, and in default of payment thereof shall be liable to simple imprisonment for a period not exceeding six months.

In cases of disputes, driver or hirer may be required to proceed to Police Court, or to nearest European Police-officer.

24. In case of any dispute the hirer of a public conveyance may require the driver or other attendant thereof, and the driver or attendant may require the hirer thereof, to proceed forthwith to the nearest Police Court, where the dispute shall be determined by the Magistrate then sitting.

Should such Police Court be closed, either party may require the other to proceed to the nearest European Police-officer, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court;

but if the dispute or complaint take place at a landing-pier or a railway-station, and the hirer be about forthwith to leave the island of Bombay, it shall be competent to the said European Police-officer, after hearing both parties, to determine what sum may be due by the hirer, and to demand and receive the same, together with, in the case of any sum due for compensation under section 29 of this Act, an additional sum of rupees ten, on payment of which such Police-officer, having taken the name and address of the hirer and permitted him to depart, shall thereupon make a report of the dispute or complaint, and deliver the money received by him, to a Magistrate of Police, who, if the claim or complaint of the driver or attendant shall not have been excessive or unjust, may award and pay to the said driver or attendant the amount thereof, not being in excess of the total amount received and delivered by the Police-officer;

but, if any offence shall appear to have been committed against the hirer by the driver or attendant, the owner and driver or attendant shall have no claim to hire or compensation, and the Police Magistrate shall likewise inquire into such offence, and on proof of the same shall adjudge punishment or otherwise proceed according to law, and in either case the Magistrate of Police,

having given notice to such hirer, shall on demand return to him the sum paid by such hirer to the Police-officer, or such surplus as may remain thereof.

Licensee bound, when required by Police-officer, to ply for hire.

25. Every licensee of any public conveyance under this Act shall be bound, whenever required by a Police-officer to do so, to cause the same to ply for hire, and every driver or attendant shall, when so required, continue to exercise his calling in the customary manner,

Penalty for refusal.

and for any refusal or failure to comply with such requisition without reasonable cause proved, such licensee, driver or attendant shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding rupees fifty.

On information of offence, licensee may be summoned to produce driver, &c.

26. When any information or complaint shall be made before any Magistrate of Police against the driver or other attendant of any public conveyance, for any offence committed by him, in the exercise of his vocation, against any of the provisions of this Act, such Magistrate of Police may forthwith and from time to time summon the licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint;

Penalty for default.

and if any such licensee shall neglect or refuse personally to appear or to produce such driver or other attendant according to such summons, without a reasonable excuse, to be allowed by the Magistrate of Police before whom he ought to appear according to such summons, he shall be liable to fine not exceeding rupees fifty, and it shall be lawful for such Magistrate to hear and determine the said information or complaint in the absence of the said licensee, driver or other such attendant as aforesaid, and upon satisfactory proof of such offence to give judgment against such person for the penalty incurred by reason of such offence.

Proceeding *ex parte*.

Fines and awards how levied.

27. Pecuniary fines, penalties or awards levied, imposed or made under this Act, for which no commutation by imprisonment is herein provided, may be levied by distraint and sale of the offender's moveable property, under warrant of the Police Magistrate who has inflicted the punishment, and, if any driver or other attendant shall fail to pay any fine, penalty or award for which commutation by imprisonment shall not have been awarded, the same may be levied by distraint and sale of the moveable property of the licensee of the public conveyance of which the offender was an attendant;

and, in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

Penalty for refusing to pay legal fare.

28. If any person shall refuse or omit to pay to the driver or other attendant of any public conveyance the lawful fare due to him for the hire or fare of such public conveyance, it shall be lawful for any Magistrate of Police, upon complaint of the same being preferred, and upon proof of the facts made upon oath or solemn affirmation before him, to award reasonable satisfaction to the party so complaining for his fare, and also a reasonable compensation for his loss of time in attending to make and establish his complaint, and, in default of payment, to sentence the defaulter to simple imprisonment for a period not exceeding one month.

Compensation to driver.

Penalty for injury to public conveyance.

29. If any person using a public conveyance under this Act shall wilfully or negligently injure the same, he shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding twenty rupees, and shall also pay to the owner of the public conveyance compensation for the injury, the amount of the compensation to be fixed by the Magistrate and to be recovered as a fine.

Compensation.

Magistrate may award compensation to driver in case of groundless complaint.

30. If the driver or other attendant of any public conveyance, not having previously offered his conveyance for hire to the person desirous of hiring it, shall, in civil and explicit terms, declare to such person that his conveyance is actually hired, and shall afterwards, notwithstanding his reply, be proceeded against for his refusal to carry such person in his said conveyance, and shall upon the hearing of the complaint produce sufficient evidence to prove that such conveyance was at the time actually and *bonâ fide* hired, and it shall not appear that he used any uncivil language, or that he had offered his conveyance for hire to, or improperly conducted himself towards, the party by whom he shall be so proceeded against, or

if the person who has proceeded against him shall not appear to prosecute his complaint,

the Magistrate before whom such driver or other attendant shall be brought may order such person to make the driver or other attendant such compensation for his loss of time in attending to make his defence to such complaint as the Magistrate may deem reasonable, and, in default of payment, may sentence him to simple imprisonment for a period not exceeding one month.

Property left in public conveyance to be deposited.

31. All property left in any public conveyance licensed under this Act shall be forthwith deposited by the driver or attendant, as the case may be, in the office of the Commissioner of Police.

Restoration to owner.

Such property shall be returned to the person who shall prove to the Commissioner of Police that the same belonged to him, on payment of all expenses

reasonably incurred, and of such reasonable sum to the driver or attendant as the Commissioner of Police may award,

and any driver or other attendant of any public conveyance licensed under this Act, who shall neglect so to deposit all property left in a public conveyance, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding rupees fifty, and in default of payment of the same to simple imprisonment for one month, or to both.

Penalty for not depositing.

Police may arrest, without warrant, person offending in his view, and may seize and detain public conveyance when necessary.

32. Any Police-officer or constable may arrest without a warrant any person committing in his view any offence against this Act, and may seize and detain in any place of safety until judgment shall be given in the case any conveyance which, for the better fulfilment of the true intent and meaning of this Act, it may be necessary so to seize and detain.

33. [*Repeal of Act IV of 1841.*] *Repealed by Act No. XII of 1873.*

Power to extend Act;

34. The provisions of this Act may be extended to any town or place in the Presidency of Bombay, by an order to that effect of the Governor in Council published in the Government Gazette not less than thirty days before such extension.

to alter scale, and dispose of balance, of fees.

And it shall be lawful in any such case for the Governor in Council to alter the scale, and dispose of the balance, of fees as may seem necessary, and to appoint any person to perform the duties by this Act assigned to the Commissioner of Police and Master Attendant, and to empower all or any Magistrates having jurisdiction at the place to exercise the powers by this Act conferred on the Magistrates of Police, and any such order may be in like manner revoked or altered.

[a] The Governor in Council may, by an order published as aforesaid, direct that in any town or place to which he extends or has extended the provisions of this Act—

(*a*) all or any of the said provisions shall apply to all vehicles, or to any class of vehicles, which are kept, or ordinarily let, for hire, although such vehicles be not used for the purpose of plying for hire;

(*b*) any class of vehicles shall be exempt from all or any of the said provisions.

In this section the word "place" shall be deemed to include, and to have always included, a road between two towns or places [a].

Convictions

35. No conviction under this Act by any Magistrate of Police or Magis-

[a-a] These paragraphs were added by Bom. Act V of 1887.

trate contemplated in the above section shall be open to appeal or reversal by any other Court. under Act final.

36. Attendants on public conveyances licensed under this Act include drivers, conductors, hamáls, tándels, sarhangs and boatmen [a]. Constructi

37. The town and suburbs of Bombay mentioned in this Act comprise whatever has been hitherto included within the limits generally known as the Islands of Bombay and Kolába, together with all land or ground now or which may hereafter be reclaimed from the sea or harbour. Extent.

38. [*Commencement of Act.*] *Repealed by Act XII of 1873.*

BOMBAY ACT No. VII OF 1863.

CONTENTS.

PREAMBLE.
SECTIONS.
1. [*Repealed.*]
2. Power to authorize and guarantee continuance, in perpetuity, of land in certain districts to holders on terms and conditions agreed to.
Exceptions.
Future tenure of lands included in exceptions.
3. Lands to which Act does not apply.
4, 5. [*Repealed.*]
6. Lands continued under section 2, clause 1, to be heritable and transferable property of holders subject to fixed annual payment to Government.
Rules for ascertaining amount of assessment.
7. Settlement under section 6 as regards right to levy annual quit-rent binding on rightful owner as well as land-holder.
Saving of rights and remedies of rightful owner, his heirs and assigns, against holder, his heirs or assigns.
8. On proof of adjudication of title, holder exempt from quit-rent and from further inquiry into title.
Proviso.
9. Collector may serve notice on holder calling on him to state whether he is willing to accept settlement or demands formal inquiry into title.
Language and form of notice.
On whom to be served.
Service when persons not resident within district.
Service when several persons hold lands jointly.
Service when holder known to reside in other district.

[a] Portion repealed by Bom. Act III of 1886 is omitted.

SECTIONS.

Service when no person acts for holder who cannot be found.
Holder making no answer for six months deemed to have dispensed with inquiry.
If no holder or owner discovered, land to be fully assessed.
When sufficiency of service of notice or of reply thereto disputed.
10. Conduct of inquiry, when claimed.
Land held in excess of that to which title is established to be fully assessed.
Effect of exemption not being established.
11. When holders demand trial and adjudication, deposits to be made and security given.
Refund of deposits and assessment, with interest, if holder prove title.
Full amount of land-revenue levied if holder fail to prove title.
12. Inquiry by whom to be held.
13. Steps to be taken by claimant demanding inquiry.
On failure to comply with requirements of clause 1, claim to be disallowed.
Collector to file papers for trial by himself, or forward them to other officer.
Time of trial to be fixed.
Notice thereof to claimant.
14. Burden of proof of title on claimant demanding inquiry.
15. Claimant allowed benefit of evidence in Government records in custody of public officer.
16. Trying authority not bound to admit in evidence certain sanads.
17. Code of Civil Procedure applied to service of summons on, and attendance and examination of, witnesses.
Office of Collector a Civil Court.
18. Language of record of proceedings.
Translation of decision to be given to claimant.
Court-fees Act applied.
19. Decision in favour of continuance of exemption to be final.
Appeal by claimant from adverse decision.
Refund if appeal succeed.
Forfeiture by claimant producing in appeal new evidence not produced at original trial.
Court-fees Act applied.
Bar to setting aside Collector's decision.
20. When exemption claimed under sanad, &c., may be admitted in terms of grant.
Officers recognized as authorized to grant or revoke sanads, &c.
21. Admission of claims to exemption in virtue of prescription.
22. Conditions on which admitted prescriptive title to continue to be recognized.
23. Prescriptive title when not admitted.
24. Sanad, etc., of prescriptive enjoyment not sufficient title in so far as exemption annulled by order issued by present or former Government, &c.
Deed or enjoyment under recognized tenure when not sufficient title.
Title when affected only to extent of assessment made and realized.

(*Sec. 2.*)

SECTIONS.

25. Adoptions when not admitted.
26. Application of sections 20 to 25.
27. [*Repealed.*]
28. Appeal from proceedings of officers making settlement.
29. [*Repealed.*]
30. Quit-rents how levied.
31. Power to enter lands to measure or assess same.
32. Interpretation-clause.

SCHEDULE.

BOMBAY ACT No. VII OF 1863[a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 2nd July, 1863.)

An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 [b] of the Council of India.

Preamble.

WHEREAS in districts which are not subject to the operation of Act XI of 1852 [b] it is expedient to provide, with certain exceptions, for the summary settlement of all claims to hold land, wholly or partially exempt from payment of land-revenue, and for regulating the terms on which such exemption shall be recognized in future so as to preclude all doubt in regard to the relative rights of Government and the holders of such lands, and further to make provision for the exceptions aforesaid; It is hereby enacted:—

1.—[*Repeal.*] *Repealed by Act XII of 1873.*

Power to authorize and guarantee continuance, in perpetuity, of land in certain districts to holders on terms and conditions agreed to.

2. *Clause 1st.*—When the holders of lands in any of the said districts (except as is excepted in clause 2 of this section), held either wholly or partially exempt from the payment of Government land-revenue, shall consent to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the Governor in Council to finally authorize and guarantee by sanad the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms, and subject to the said conditions.

[a] As to the application of Bom. Act VII of 1863, see Bom. Act V of 1879, s. 127, *infra*, and, where that Act is not in force, see Bom. Act IV of 1868.

[b] Printed in Vol. I of this Code, p. 60.